

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

| | | |
|-----------------------|---|---------------------------|
| GREGORY KONRATH, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | No. 1:17-cv-00052-TWP-DML |
| |) | |
| MAJESTIC STAR CASINO, |) | |
| |) | |
| Defendant. |) | |

Order Transferring Action to Northern District of Indiana

Plaintiff Gregory Konrath is incarcerated at the Westville Correctional Facility (“Westville”). He brings this civil action alleging that the Majestic Star Casino violated Illinois “Dram shop” law by providing him alcohol until he was grossly intoxicated.¹ He also alleges the defendant refused to provide him the Gamblers’ Addicts Anonymous information he requested. He alleges that he is a citizen of Illinois and alleges jurisdiction based on diversity of citizenship. 28 U.S.C. § 1332.

Majestic Star Casino is located in Gary, Indiana, which lies in Lake County. Lake County is in the Northern District of Indiana. 28 U.S.C. § 94(a). Here, the alleged conduct giving rise to the claim occurred, and the plaintiff can be found, in the Northern District of Indiana. Under these circumstances, the appropriate venue for the action is the Northern District of Indiana. *See* 28 U.S.C. § 1391(b); 28 U.S.C. § 1404.

¹ Although the plaintiff recites Illinois state law, because the alleged incidents occurred in Indiana, Indiana law would apply to any Indiana district court sitting in diversity. *See Land v. Yamaha Motor Corp.* 272 F.3d 514, 516 (7th Cir. 2011) (“A federal court sitting in diversity jurisdiction must apply the substantive law of the state in which it sits.”).

Mr. Konrath alleges that “[t]imely payment of the filing fee is not a judicial prerequisite.” Dkt. 1, p. 4. While that is true, the Court notes that Mr. Konrath has not paid the filing fee and he is not entitled to proceed *in forma pauperis* in accordance with 28 U.S.C. § 1915(g). *See Konrath v. Bierzychudek, et al.*, 1:16-cv-3186-WTL-DKL (S.D. Ind. Dec. 29, 2016).

The above action is now **TRANSFERRED** to the United States District Court for the Northern District of Indiana at Hammond, Indiana.

IT IS SO ORDERED.

Date: 1/10/2017

Distribution:

GREGORY KONRATH
254068
WESTVILLE CORRECTIONAL FACILITY
Inmate Mail/Parcels
5501 South 1100 West
WESTVILLE, IN 46391



TANYA WALTON PRATT, JUDGE
United States District Court
Southern District of Indiana

NOTE TO CLERK: PROCESSING THIS DOCUMENT REQUIRES ACTIONS IN ADDITION TO DOCKETING AND DISTRIBUTION.